

Application Number 10/712,597  
Responsive to final Office Action mailed June 6, 2005

### **REMARKS**

The following remarks are responsive to the Final Office Action dated June 6, 2005.  
Applicant has not amended the claims. Claims 1-38 remain pending.

### **Claim Rejections Under 35 U.S.C. § 103**

In the Final Office Action, the Examiner rejected: claims 1, 4-9, 11-16, 18, 19, 22, 25-29 and 31-35 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,687,562 to Sellers (Sellers) in view of U.S. Patent No. 5,896,575 to Higginbotham et al. (Higginbotham); claims 2, 3, 17, 23, 24 and 38 under 35 U.S.C. 103(a) as being unpatentable over Sellers in view of Higginbotham and further in view of U.S. Patent No. 5,345,362 to Winkler (Winkler); and claims 10, 20-21, 30 and 36-37 under 35 U.S.C. 103(a) as being unpatentable over Sellers in view of Higginbotham and further in view of U.S. Patent No. 6,327,497 Kirchgeorg et al. (Kirchgeorg). Applicant respectfully traverses these rejections. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

Independent claim 1 requires an emergency medical device comprising first and second display monitors to display respective subsets of measured patient parameters, wherein the first and the second display monitors face in different directions. Similarly, independent claim 22 requires a method comprising displaying a first subset of measured patient parameters via a first display monitor of an emergency medical device, and displaying a second subset of the measured patient parameters via a second display monitor of the emergency medical device, wherein the first and the second display monitors face in different directions. The applied references fail to disclose or suggest these requirements of Applicant's independent claims.

The Examiner appears to have misunderstood the scope and content of the Sellers disclosure. The Examiner relied on Sellers for disclosure of an emergency medical device comprising first and second display monitors to display respective subsets of measured patient parameters. However, the device described by Sellers is a physiological monitor 10 that includes a single user display 16, as clearly indicated in the passage of Sellers cited by the Examiner.<sup>1</sup> The Examiner appears to have misunderstood the term "physiological monitor" in the Sellers

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<sup>1</sup> Sellers at column 4, lines 30-50.

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disclosure to refer to a device separate from the user display 16 that is also capable of displaying information. This interpretation is clearly incorrect. The physiological monitor 10 described by Sellers is an ambulatory patient monitoring device, i.e., a Holter monitor, that includes a single user display 16. Sellers does not even suggest that the physiological monitor 10 may have more than one user display 16, as required by Applicant's independent claims.

Further, Sellers does not even suggest that the single user display 16 displays measured patient parameters, as required by Applicant's independent claims. Instead, Sellers merely states that the user display 16 "normally displays the time of day and can be used to provide other status messages to the patient."<sup>2</sup> Sellers does not teach or suggest that the "other status messages" may include measured patient parameters.

None of the other applied references provides any teaching that would overcome these substantial deficiencies in the Sellers disclosure with respect to the requirements of Applicant's independent claims. For example, Winkler and Kirchgeorg disclose medical devices that include only a single display monitor. Further, Higginbotham does not even disclose a medical device, much less an emergency medical device comprising first and second display monitors to display respective subsets of measured patient parameters. The teachings in Higginbotham relating to a consumer electronics messaging device are irrelevant in the context of the emergency medical devices and associated methods recited in Applicant's claims.

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicant's claims 1-38 under 35 U.S.C. 103(a). Withdrawal of this rejection is requested.

### CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any

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<sup>2</sup> Sellers at column 5, lines 39-41.

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additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

8/8/05

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